

2005 Senate Bill 480

Date of enactment: **March 30, 2006**

Date of publication\*: **April 12, 2006**

## 2005 WISCONSIN ACT 250

AN ACT *to amend* 194.01 (2), 194.41 (1), 194.46, 346.95 (4) and 348.28 (1); and *to create* 346.45 (1) (f), 346.924, 346.94 (8s), 346.95 (9), 348.26 (4m) and 348.27 (12m) of the statutes; **relating to:** transporting buildings on the highways, making an appropriation, and providing penalties.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 194.01 (2) of the statutes is amended to read:

194.01 (2) “Contract motor carrier” means any person engaged in the transportation by motor vehicle over a regular or irregular route upon the public highways of property for hire, including the transportation of buildings, as defined in s. 348.27 (12m) (a) 1.

**SECTION 2.** 194.41 (1) of the statutes is amended to read:

194.41 (1) No permit or vehicle registration may be issued to a common motor carrier of property, contract motor carrier, or rental company, no permit or vehicle registration may remain in force to operate any motor vehicle under the authority of this chapter, and no vehicle registration may be issued or remain in force for a semi-trailer unless the carrier or rental company has on file with the department and in effect an approved certificate for a policy of insurance or other written contract in such form and containing such terms and conditions as may be approved by the department issued by an insurer authorized to do a surety or automobile liability business in this state under which the insurer assumes the liability prescribed by this section with respect to the operation of such motor vehicles. The certificate or other contract is

subject to the approval of the department and shall provide that the insurer shall be directly liable for and shall pay all damages for injuries to or for the death of persons or for injuries to or destruction of property that may be recovered against the owner or operator of any such motor vehicles by reason of the negligent operation thereof in such amount as the department may require. Liability may be restricted so as to be inapplicable to damage claims on account of injury to or destruction of property transported, but the department may require, and with respect to a carrier transporting a building, as defined in s. 348.27 (12m) (a) 1., shall require, a certificate or other contract protecting the owner of the property transported by carriers from loss or damage in the amount and under the conditions as the department may require. No permit or vehicle registration may be issued to a common motor carrier of passengers by any motor vehicle, or other carrier of passengers by motor bus, except those registered in accordance with s. 341.26 (2) (a) and (d), and no permit or vehicle registration may remain in force to operate any motor vehicle unless it has on file with the department a like certificate or other contract in the form and containing the terms and conditions as may be approved by the department for the payment of damages for injuries to property and injuries to or for the death of persons, including passengers, in the amounts as the department may require. This subsection does not apply

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\* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

to a motor carrier that is registered by another state under a single-state registration system consistent with the standards under 49 USC 14504.

**SECTION 3.** 194.46 of the statutes is amended to read:

**194.46 Amendment, suspension, or revocation of certificate, license, or permit; hearing.** The department may at any time, by its order duly entered after a hearing had, upon notice to the holder of any certificate, license, or permit under this chapter and an opportunity to be heard, at which it shall be proved that the holder has willfully violated or refused to comply with any of the provisions of this chapter or s. 346.924, or any orders or rules of the department, alter, amend, suspend, or revoke the certificate, license, or permit. The department may suspend or revoke a certificate, license, or permit under this chapter if, after providing the holder thereof notice and an opportunity to be heard on the matter, the department finds that service under the certificate, license, or permit has been abandoned. A person who is aggrieved by an order of the department under this section may, within 20 days after the date that the order is issued, request a review of the order by the division of hearings and appeals.

**SECTION 4.** 346.45 (1) (f) of the statutes is created to read:

346.45 (1) (f) Every vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1.

**SECTION 5.** 346.924 of the statutes is created to read:

**346.924 Transporting buildings on highways.** No person may operate a vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1., on a highway unless all of the following apply:

(1) The vehicle is a commercial motor vehicle and the person holds a valid commercial driver license.

(2) The vehicle is operated under a valid motor carrier certificate or license of authority issued under ch. 194 or under applicable federal law, and all insurance requirements applicable to the vehicle under s. 194.41 or federal law are satisfied.

**SECTION 6.** 346.94 (8s) of the statutes is created to read:

346.94 (8s) TRANSPORTING PERSONS IN BUILDINGS. No person may operate a vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1., on a highway if any person is in the building.

**SECTION 7.** 346.95 (4) of the statutes is amended to read:

346.95 (4) Any person violating s. 346.923, 346.925, or 346.94 (8) ~~or (8m)~~, or (8s) may be required to forfeit not more than \$20 for the first offense and not more than \$50 for each subsequent offense.

**SECTION 8.** 346.95 (9) of the statutes is created to read:

346.95 (9) Any person violating s. 346.924 may be required to forfeit not less than \$500 nor more than \$5,000. Each violation constitutes a separate offense.

**SECTION 10.** 348.26 (4m) of the statutes is created to read:

348.26 (4m) PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. "Building" has the meaning given in s. 348.27 (12m) (a) 1.

2. "Vehicle" has the meaning given in s. 348.27 (12m) (a) 2.

(b) The requirements for issuance of a permit under s. 348.27 (12m) (c) shall also apply to issuance of a permit under sub. (2) for a vehicle transporting a building on the highways, and the department and those local officials who are authorized to issue permits under sub. (2) may not issue a permit under sub. (2) for a vehicle transporting a building unless these requirements are satisfied. The department and those local officials who are authorized to issue permits under sub. (2) may deny a permit under sub. (2) for a vehicle transporting a building if the department or local official finds that any of the circumstances specified in s. 348.27 (12m) (d) applies. The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

**SECTION 11.** 348.27 (12m) of the statutes is created to read:

348.27 (12m) PERMITS FOR VEHICLES TRANSPORTING CERTAIN BUILDINGS. (a) In this subsection:

1. a. "Building" means a dwelling or other structure or portion of a dwelling or other structure that, when measured as provided in subd. 1. b., is more than 12 feet wide, more than 14 feet 3 inches in height, or more than 100 feet long; that is transportable as a whole or in sections; and that is raised and supported from an existing foundation to be moved and placed on a permanent foundation at a new location where the dwelling or other structure is to be delivered. "Building" does not include a modular housing unit, a manufactured building as defined in s. 101.71 (6), or a manufactured home as defined in s. 101.91 (2).

b. For purposes of subd. 1. a., width shall be measured from the farthest extremity of the vehicle and load on each side, height shall be measured from the ground to the highest point of the vehicle and load, and length shall be measured from the rearmost point of the vehicle and load to the frontmost point of the vehicle.

2. "Vehicle" includes a combination of vehicles.

(b) The department may issue annual or consecutive month permits for vehicles transporting buildings on the highways. A permit under this subsection may be issued only by the department, regardless of the highways to be used.

(c) The department may not issue a permit under this subsection unless the department determines that all of the following requirements are met:

1. The applicant identifies each potential operator of a vehicle under the permit and provides proof that each

such operator holds a valid commercial driver license, with any endorsement required under ch. 343 for operation of the class and type of vehicle to be used to transport a building under the permit.

2. The applicant provides proof of a valid motor carrier certificate or license of authority issued under ch. 194 or under federal law applicable for each vehicle to be used to transport a building under the permit.

3. The applicant provides proof, by a certificate of insurance filed with the department, that the applicant, in addition to satisfying the insurance requirements described in s. 346.924 (2), maintains a policy of comprehensive general liability insurance, issued by an insurer authorized to transact business in this state, that provides bodily injury liability coverage and property damage liability coverage, including for underground property damage, with a total limit of not less than \$500,000 for each occurrence.

(d) The department may deny any application for a permit under this subsection if the department finds any of the following:

1. That the applicant, or any potential operator identified in par. (c) 1., has been convicted, within 3 years immediately preceding the date of application, of a violation of s. 346.924.

2. That the applicant, or any potential operator identified in par. (c) 1., has engaged in conduct endangering the safety of persons using the highways.

3. That the applicant has failed to provide reimbursement for damage, which is not paid for by the applicant's insurer, to a highway caused while transporting a building under a permit under this subsection.

4. That the applicant, or any potential operator identified in par. (c) 1., has abandoned a building on a highway

or on public or private property without permission of the property owner.

(e) The provisions of this subsection apply in addition to any other requirement imposed under this chapter, chs. 194, 343, 346, and 347, and federal law.

**SECTION 12.** 348.28 (1) of the statutes is amended to read:

348.28 (1) Permits issued under ss. 348.25, 348.26 and 348.27 (1) to (10); and (12) and to (13) shall be carried on the vehicle during operations so permitted.

**SECTION 12g. Nonstatutory provisions.**

(1) Notwithstanding section 16.42 (1) (e) of the statutes, if this subsection takes effect in fiscal year 2006–07, in submitting information under section 16.42 of the statutes for purposes of the 2007–09 biennial budget bill, the department of transportation shall submit a dollar amount for the appropriation under section 20.395 (5) (cq) of the statutes that is \$18,700 less than the total amount appropriated under section 20.395 (5) (cq) of the statutes for the 2006–07 fiscal year, before submitting any information relating to any increase or decrease in the dollar amount for that appropriation for the 2007–09 fiscal biennium.

**SECTION 12r. Appropriation changes.**

(1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of transportation under section 20.395 (5) (cq) of the statutes, as affected by the acts of 2005, the dollar amount is increased by \$18,700 for the fiscal year in which this subsection takes effect to provide funding to implement permit issuance under sections 348.26 (4m) and 348.27 (12m) of the statutes, as created by this act.

**SECTION 13. Effective date.**

(1) This act takes effect on the first day of the 7th month beginning after publication.

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